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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Right to development

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 48/130 of 20 December 1993, the General Assembly, reiterating the importance of the right to development for all countries, in particular the developing countries, and mindful that the Commission on Human Rights had entered a new phase at its forty-ninth session in its consideration of the matter, which was directed towards the implementation and further enhancement of the right to development, requested the Secretary-General to submit to the Commission on Human Rights at its fiftieth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-ninth session of the Commission as well as any further comments and suggestions that might be submitted pursuant to paragraph 10 of Commission resolution 1993/22 of 4 March 1993.

2. In the same resolution, the General Assembly also requested the Secretary-General to continue coordination of the various activities with regard to the implementation of the Declaration.

3. The General Assembly urged all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to enhance their cooperation in its application.

4. The General Assembly also urged the regional commissions and regional intergovernmental organizations to convene meetings of governmental experts and representatives of non-governmental and grass-roots organizations for the purpose of seeking agreements for the implementation of the Declaration through international cooperation.

5. In its resolution 1993/22, the Commission on Human Rights had recalled that the right to development was an inalienable human right by virtue of which every human person and all peoples were entitled to participate in, contribute to and enjoy economic, social and cultural, and political development in which all human rights and fundamental freedoms could be fully realized, and had taken note with appreciation of the report of the Secretary-General, 1/ containing concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development.

6. Also in its resolution 1993/22, the Commission on Human Rights decided to establish, initially for a three-year period, a working group on the right to development with the following mandate:

(a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development, on the basis of information furnished by Member States and other appropriate sources;

(b) To recommend ways and means towards the realization of the right to development by all States.

7. In pursuance of that resolution, the Secretary-General addressed a letter on 6 December 1993 to, among others, United Nations bodies and specialized agencies on the subject of the obstacles to the implementation and realization of the Declaration on the Right to Development.

8. In its resolution 1994/21 of 1 March 1994, the Commission on Human Rights requested the Secretary-General to invite Governments, international financial institutions, the regional economic commissions, the relevant bodies and organizations of the United Nations system and non-governmental organizations to provide the Working Group on the Right to Development with the necessary additional information, taking into account, inter alia, the preliminary guidelines and the check-list contained in annex 1 to the report of the Working Group on its first session. 2/ Pursuant to this request, the Secretary-General, on 26 April 1994, addressed a letter to, among others, the United Nations bodies and specialized agencies, transmitting Commission resolution 1994/21, as well as the guidelines and checklist, as prepared by the Working Group.

9. In reply to the above requests for information, the Secretary-General received comments from the following United Nations bodies: Committee on the Elimination of Racial Discrimination (27 December 1993); United Nations Centre for Human Settlements (Habitat) (5 January 1994); United Nations Conference on Trade and Development (UNCTAD) (23 March 1994); Department of Peace-keeping Operations of the Secretariat (3 January 1994); Department for Economic and Social Information and Policy Analysis of the Secretariat (22 June 1994); United Nations Development Programme (UNDP) (6 January and 26 May 1994); Division for the Advancement of Women of the Secretariat (24 June 1994); United Nations Environment Programme (UNEP)/Convention on Biological Diversity (15 June 1994); Office of the United Nations High Commissioner for Refugees (UNHCR) (11 April and 25 July 1994); and World Food Programme (WFP) (30 June 1994); as well as from the following specialized agencies: Food and Agriculture Organization of the United Nations (FAO) (31 March 1994); International Labour Organization (ILO) (28 December 1993); International Monetary Fund (IMF) (30 December 1993 and 6 July 1994); United Nations Educational, Scientific and Cultural Organization (UNESCO) (14 March 1994); and World Health Organization (WHO) (8 August 1994).

10. Information was also received from the following regional commissions: Economic Commission for Europe (ECE) (25 February 1994); Economic Commission for Latin America and the Caribbean (ECLAC) (18 January and 13 May 1994); and Economic and Social Commission for Asia and the Pacific (ESCAP) (21 December 1993 and 13 May 1994); as well as from the following regional intergovernmental organizations: European Commission (10 June 1994); League of Arab States (LAS) (1 March and 13 June 1994); and Organisation for Economic Cooperation and Development (OECD) (14 January 1994).

11. The Working Group on the Right to Development held its first session from 8 to 19 November 1993 and devoted part of that session to a dialogue with the international organizations that attended the session. The Working Group also had a general debate on an initial approach to the obstacles hampering the application of the Declaration on the Right to Development. During that session representatives from the following United Nations bodies addressed the Working Group: United Nations Centre for Human Settlements (Habitat); UNCTAD; UNDP;

UNHCR; United Nations Population Fund (UNFPA); and UNEP, as well as from the following specialized agencies: ILO and IMF.

12. During its second session, which was held from 2 to 13 May 1994, the Working Group considered the implementation of the Declaration on the Right to Development by the international organizations. Representatives from the following United Nations bodies addressed the Working Group: Committee on Economic, Social and Cultural Rights; UNCTAD; UNDP; and ECE, as well as from the following specialized agencies: ILO; IMF; and World Bank. 3/

13. The Working Group held its third session from 3 to 14 October 1994. During this meeting, a representative of the Committee on the Rights of the Child addressed the Working Group. The report of the Working Group on the Right to Development on its third session will be submitted to the Commission on Human Rights at its fifty-first session.

14. The present report is prepared in pursuance of General Assembly resolution 48/130 and contains the information received from the organizations, programmes and agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as from the regional commissions and regional intergovernmental organizations, on the basis of their contributions to the work of the Working Group.

II. COMMENTS RECEIVED FROM UNITED NATIONS BODIES

A. Committee on Economic, Social and Cultural Rights

15. In addressing the Working Group, the Chairperson of the Committee on Economic, Social and Cultural Rights indicated that his Committee closely followed the work of the Working Group. In his view, there was a trend of continuing marginalization of economic, social and cultural rights in the broader United Nations context. With some exceptions, none of the organizations referred to economic, social and cultural rights as rights. Although statements were made at the rhetorical level, to his knowledge there had never been an operational attempt to give content to economic, social and cultural rights, nor to include them in overall strategies or specific objectives pursued.

16. An example was the World Summit for Social Development, in the preparatory process of which the International Covenant on Economic, Social and Cultural Rights had hardly played a role, although the Covenant was a binding international treaty, ratified by over 130 States parties, and covered obligations which went to the heart of the issues facing the Summit.

17. In general, there seemed to be a mutually acceptable attempt to move away from the framework of international human rights law: the notion of democracy dominated the discourse in countries of the North, but that notion was all too often not defined by reference to the specific rights contained in the International Covenants on Human Rights; countries of the South were happy to talk about the importance of development, but generally did not do so in a manner which reflected economic, social and cultural rights considerations.

18. The importance of the right to development stemmed from the fact that it was more than the sum of its parts, more than the accumulation of individual human rights already recognized. It emphasized the need to achieve a synthesis of those rights as well as an interaction and, in particular, addressed the complexities of implementing such rights. Hence, the Declaration should be seen in its context, for which it was always necessary to go back to its constituent parts, which were the rights recognized in the two Covenants. If the right to development was taken entirely out of that particular context the risk existed that it would have no meaning.

19. There could not be an agreement on any abstract definition of development or democracy, nor should those broad objectives be accepted as adequate benchmarks in evaluating progress towards achieving the right to development. Instead, it was essential to rely heavily upon the rights recognized in the two Covenants, as defined and interpreted in the light of evolving circumstances, which were the only internationally agreed binding and relatively precise standards that existed. The provisions of the Declaration on the Right to Development had an enormous potential, if seen in the context of the two Covenants. Article 28 of the Universal Declaration on Human Rights and articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights provided a more than sufficient basis to develop further the concept of international solidarity for the promotion of human rights, to give but one example.

20. The challenge at present in the debate on the right to development was to become more specific. As long as the debate remained at a vague and rhetorical level it would have minimal practical relevance. Potentially very productive starting points in such a debate could include:

(a) Calling for writing off debt directly linked to undertakings by Governments to devote the relevant resources to the realization of economic, social and cultural rights. That could lead to a more sustained debt relief programme and a more sustained transfer of resources. So far that linkage had not been made, although some of its ideas were now reflected in the 20:20 compact for human development;

(b) Encouraging States to take, at the national level, all necessary measures for the realization of the right to development, as provided for in article 8, paragraph 1 of the Declaration. The Committee on Economic, Social and Cultural Rights had requested States parties to establish basic benchmarks at the national level for achieving essential minimum levels of satisfaction of each individual economic, social and cultural right. Such benchmarks, which could not be set across the board, should take into consideration local specificities and characteristics. States could use those benchmarks in seeking international cooperation. In addition, a national human rights and development strategy could be prepared by each Government, including steps to give effect to the right to development on the basis of the provisions of the Declaration on the Right to Development;

(c) Studying the implications for economic, social and cultural rights, in response to the dramatic changes resulting from the widespread embrace of the

free market, including ways in which to uphold the minimum obligations of Governments for ensuring human rights;

(d) Investigating the possibilities of incorporating explicit human rights standards in the domain of development policy. Such efforts had so far failed. However, human rights should play a role in international development policy and practice.

21. Concerning the implementation of economic, social and cultural rights at the national level, it was often stated that the International Covenant on Economic, Social and Cultural Rights was too vague to be of operational significance. That was said to prevent agencies such as UNDP from formulating policies on the basis of such general standards. However, if an analogy was drawn with the International Covenant on Civil and Political Rights, one could see that those provisions were also formulated very broadly. However, in relation to those rights a shared understanding had evolved as to the content and meaning, based on experience and concrete cases. The last decade had seen the universal acceptance of detailed standards relating to civil and political rights. A similar evolution was now required in the field of economic, social and cultural rights. The provisions contained in the International Covenant on Economic, Social and Cultural Rights were capable of going through the same process. However, so far no such attempt had been made in the United Nations context. It seemed that Governments wanted to maintain total flexibility for themselves in the economic and social domain and did not want to constrain their options.

22. For example, if it was accepted that the provision of universal, free, compulsory primary education was a matter that every Government must ensure, without excuses or other purported justifications, the world would have laid the foundations for the realization of economic, social and cultural rights. The key question was how to implement such provisions at the domestic level. While specific civil and political rights standards were more or less capable of universal application, that could not be said for economic, social and cultural rights. Therefore, it was imperative that each State determined its own benchmarks for achieving essential minimum levels of each of the rights. That in turn could lead to a process of accountability and transparency, in which public pressure could contribute to States being held accountable for their own policies.

23. Another obstacle in treating economic, social and cultural rights as human rights had been the traditional focus by human rights lawyers on justiciability: in that view a right was only a right when an individual could challenge its violation before a court. The emphasis in the approach to economic, social and cultural rights should perhaps not be on justiciability but rather on processes of accountability.

24. Nevertheless, some elements of justiciability could be achieved through means of "class actions" where a certain minimum number of people who had the same complaint had a right of administrative action to demand from a Government that appropriate measures be taken. That could eventually result in the case going before a court. However, such an approach must not be taken too far, for

there were very few countries in the world whose present legal systems could cope effectively with such "class actions".

B. Committee on the Elimination of Racial Discrimination

25. In its reply, the Committee on the Elimination of Racial Discrimination stressed that one of the main obstacles to due observance and implementation of the Declaration on the Right to Development was the persistence of racial discrimination and racism, a scourge which, despite the international community's enormous efforts, including those made by the Committee, continued to exist in the majority of countries and was revived by the armed conflicts of a political, economic or social nature being witnessed at the present time.

26. In the view of the Committee, one of the most effective means of terminating that harmful phenomenon and thus ensuring that the Declaration was properly observed and implemented by all States, was for States parties to comply fully and faithfully with the obligations deriving from the International Convention on the Elimination of All Forms of Racial Discrimination and for States that had not yet done so to ratify or accede to that instrument, which "has been - and it remains today - the international community's only tool for combating racial discrimination which is at one and the same time universal in reach, comprehensive in scope, legally binding in character and equipped with built-in measures of implementation, including an international machinery - a pioneer in the field - responsible for monitoring the actual implementation of their obligations by the contracting sovereign States". 4/

C. Committee on the Rights of the Child

27. When addressing the Working Group, the Committee on the Rights of the Child submitted that the Convention on the Rights of the Child focused on all aspects of human rights and underscored that the respect and promotion of some human rights could not be seen separately from the realization of other human rights. The Committee had followed that integrated approach by requesting States parties, when reporting on the implementation of the Convention, to reflect in an overall way four major principles of the Convention: non-discrimination; the best interest of the child; the right to life, survival and development; the right of participation.

28. By virtue of article 4 of the Convention, States parties were requested to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention. With regard to economic, social and cultural rights, that should be done to the maximum extent of their available resources and, where necessary, within the framework of international cooperation. The Committee on the Rights of the Child was the only treaty body that has been requested to play a role when it came to international assistance to remedy human rights problems. In accordance with article 45 (b) of the Convention, the Committee had the authority to transfer to any relevant United Nations body or agency or other competent body any request for technical advice and assistance from a Government, together with its own comments. So far, that had been done through discussion of the concluding

observations on States parties reports with ILO, UNICEF, UNHCR, WHO and UNESCO, which could be seen as a fairly quick response from the international community to the problems defined by the Committee.

D. United Nations Centre for Human Settlements (Habitat)

29. The United Nations Centre for Human Settlements (Habitat) pointed out that in its view the process of promoting the right to development was one of the most important channels where the United Nations - in a system-wide approach - could contribute to the development efforts of many countries and the international organizations active in that field. That issue was considered as fundamental in guiding the efforts of Habitat in improving the quality of life of the world's population in human settlements and in pursuit of that objective, its diverse research programmes and technical cooperation activities aimed to improve the housing, working and living conditions in human settlements.

30. Lack of comprehensive policies to guide human settlements planning, management and development and/or the inadequacy of such policies along with a lack of political commitment and constructive awareness of those issues in many parts of the world seemed to be major obstacles in the utilization of that great potential: the role and contribution of human settlements to the global development process had not yet been fully recognized.

31. In the view of Habitat it was essential to regard the fields of "human settlements" and "shelter" as the two fundamental areas where the policies aiming at the realization of the right to development should be put into action and be promoted by all appropriate means.

32. Democratization, decentralization, gender awareness, promotion of the concepts of participation, enabling and sustainable strategies, alleviation of poverty are the basic principles that were globally accepted as constituting fundamental prerequisites to development. In all the processes to implement those principles, efficient and effective human settlements development and management were a key factor. Inadequacy of urban services, lack of sufficient infrastructure, lack of adequate shelter, insecurity of tenure, particularly in the informal settlements which was the dominant form of urban development in many parts of the developing world, were serious barriers to the promotion and implementation of the right to development.

33. Habitat stressed the vital role of the realization of the right to adequate housing promoting the right to development. Housing, the most important single investment in the lifetime of the majority of the world's population, should not be considered only in its physical "shelter" concept, but should be given full consideration as the most important element of family life where all the social, economic, cultural and political activities began and were sustained.

34. Habitat also mentioned its new programme for the biennium 1994-1995 on the realization of the human right to adequate housing. That programme would provide assistance to Member States on how to realize that right most effectively and monitor the developments in that direction.

E. United Nations Conference on Trade and Development

35. UNCTAD submitted that its contribution to the collective endeavour of the United Nations system aimed at promoting the realization of the right to development by all States could be in the following:

(a) Demonstrating to what extent and through which mechanisms the restrictions on access to markets, the decrease in commodity prices, the inadequacy of development finance and the weight of debt constituted real and concrete obstacles to development;

(b) Identifying the main determinants which shaped the international economic environment and the policy orientations required for making the latter favourable to development;

(c) Advising, in its fields of competence, on measures and policies essential for fostering development in the national framework.

36. UNCTAD further referred to its ideas, described in its publications, on such issues as overcoming the debt crisis and the internalization of environmental costs, critical for reinvigorating international economic and social cooperation in the contemporary world context and hence to the realization of the right to development.

37. The final document adopted by the Conference at its eighth session, entitled "A new partnership for development: The Cartagena Commitment", 5/ was thought to be of use in the deliberations in respect of the global review of the context and framework for the realization of the right to development and the analysis of a number of specific obstacles to development.

38. The phenomenon of interdependence and growing globalization which now characterizes the international environment, as described in the final document of the Conference at its eighth session, had substantial consequences for development: it made economic processes increasingly complex and led to a diverse range of actors and, above all, to profound changes in their respective roles and importance.

39. The same document described new opportunities as well as risks inherent in the current developments. The accelerated globalization of the economy had given rise to an extremely wide range of development situations: on the one hand, countries that had already reached a certain level of development could grasp the new economic opportunities in order to consolidate that level further; on the other, countries with weaker economies faced huge difficulties in overcoming their handicaps and benefiting from the opportunities arising from an open, globalized economy.

40. A risk of growing inequality in access to the right to development emerged; the trend toward polarization which was manifested between countries could also be seen between population categories within countries, which were experiencing growing inequality in access to economic, social and cultural rights.

41. At its eighth session, the Conference identified points of convergence and consensus on major development priorities, such as:

(a) Economic reforms must be pursued so that they led effectively to sustained and non-inflationary growth;

(b) That growth must be accompanied by social progress, particularly through the development of human resources, in order to ensure an authentic process of development (balance between economic efficiency and social equity);

(c) The establishment of democratic systems based on popular involvement and respect for all human rights were essential factors in development;

(d) Efforts to combat poverty constituted a prime objective for which the efforts of each country individually and the international community as a whole must be mobilized;

(e) The environment was a major challenge for sustainable development and as such must also constitute a priority.

42. The pursuit of these priorities called for effective measures at the national level, firmly supported by international cooperation in the context of strengthened global dialogue: that forms the very foundation of the new partnership for development.

43. The Conference also identified two main avenues for achieving such a partnership for development. While developing countries reaffirmed their primary responsibility for their own economic and social development, in accordance with their priorities and plans, as well as their political and cultural diversities, the developed countries had a special responsibility, in the context of growing interdependence, to create a global economic environment favourable to accelerated and sustainable development. They must also continue to provide adequate support for the efforts made by the developing countries.

44. That joint responsibility was essential to ensure effective development measures: without healthy national policies, international support could not be fully effective; conversely, sound national policies were insufficient without external support for the weakest countries and, in general, they ran the risk of being cancelled out by an unfavourable international economic environment.

45. The reduction of the freedom of action enjoyed by States to set their economic policies reinforced the close interrelationship between the national and international levels of responsibility. It was for that reason that the realization of economic, social and cultural rights must also be dealt with in relation to international cooperation.

46. In addressing the Working Group, UNCTAD submitted that the realization of the right to development involved the joint responsibility of a network of actors. The two principal actors were:

(a) States, whose primary responsibilities were:

(i) To guarantee fundamental freedoms, respect for human rights and personal security;

(ii) To promote effective, honest and equitable public administration and guarantee the impartial operation of the courts of law;

(iii) To establish a regulatory framework and economic instruments which ensured the transparent operation of the market and corrected its deficiencies;

(iv) To implement policies for the development of human resources;

(v) To achieve a degree of equity in the allocation of resources and incomes; 6/

(b) The international community, whose primary responsibilities were:

(i) To set rules and institute machinery for cooperation whereby external economic obstacles to development could be eliminated, e.g., restrictions on market access, the debt burden, insufficient financial flows, excessive fluctuations in exchange rates and interest rates;

(ii) To adopt special bilateral or multilateral measures for the weakest and most vulnerable countries;

(iii) To strengthen arrangements and actions designed to handle global problems such as the environment, drug control, etc.

47. Within the international community, States and institutions must contribute to exercising these responsibilities in the light of their resources and their importance in the world economy. Hence, the most powerful countries bore major responsibility in coordinating macroeconomic policies to ensure a context of sustained growth and a stable and predictable international environment. 6/

48. The system of shared responsibility for the realization of the right to development must be extended to other actors, in particular to non-governmental organizations and other sectors representing the various forces in civil society as actors with primary responsibility for participatory development as well as to actors in the private sector as creators of wealth and hence agents of growth.

49. As those specific systems of joint responsibility were sketched out, the global, integrated framework of partnership for the realization of the right to development could in turn be increasingly well defined. Ultimately, that framework - which was necessarily subject to evolution - could contribute to supplying basic guidelines for international cooperation, which would then be able to contribute effectively to the realization of the right to development.

F. Department for Economic and Social Information and Policy Analysis of the Secretariat

50. The Department for Economic and Social Information and Policy Analysis observed that, considering that the meaningful implementation of the right to development required an array of analytical tools for monitoring and assessing the achievement of development objectives, it was generally recognized that reliable systems of statistical indicators of economic and social developments were indispensable, among other tools, for that purpose, as the Commission on Human Rights underlined in calling for the Seminar on Appropriate Indicators to Measure Achievements in the Progressive Realization of Economic, Social and Cultural Rights, which was held at Geneva from 25 to 29 January 1993.

51. The Department submitted that there were many such statistical indicators, for which the basic framework was provided by the System of National Accounts which had recently undergone a major revision resulting in the publication of the 1993 System of National Accounts. 7/ That was the result of a cooperative effort by the Statistical Division of the Department, OECD, the Commission of the European Communities, IMF and the World Bank.

52. In addition, the Department referred to the United Nations Handbook of Social Indicators (1989), 8/ which reviewed comprehensively the sources, methods and selection of indicators needed for measuring the achievement of social and economic development and welfare objectives.

G. Department of Peace-keeping Operations of the Secretariat

53. In its reply, the Department of Peace-keeping Operations stated that there was an important link between peace and development: the widespread occurrence of armed conflict between and within nations was perhaps one of the most important obstacles to development. It added that the Organization's efforts in the fields of peace-keeping and peacemaking might perhaps be viewed as important contributions to the establishment of peace as an essential precondition to the implementation and realization of the right to development.

54. In addition, it pointed out that political and social stability were prerequisites for development and growth. The establishment or restoration of such conditions required an effort by Governments and all parties involved with the assistance and support, as appropriate, of the United Nations, in particular the Departments of Peace-keeping Operations and Political Affairs.

H. United Nations Development Programme

55. UNDP submitted that it seemed that all UNDP activities were aimed at supporting the principles set forth in the Declaration on the Right to Development, which defined development as a comprehensive economic, social, cultural and political process and which took the human person as the central subject of the development process and considered the participation of the human person to be essential, not only as a participant but also as a beneficiary of the process.

56. UNDP action, which took the form of missions, projects, programmes or such processes as round tables, had made UNDP the most appropriate United Nations instrument for supporting development policy formulation. It helped make a reality of the principles enshrined in the Declaration, which stated in article 2, paragraph 3, that "States have the right and the duty to formulate appropriate national development policies".

57. UNDP support for national development processes went far beyond aid to policy formulation, notwithstanding its importance, and encompassed all of the areas relating to development. Thus, in addition to support for national development strategies, policies, plans and processes taken as a whole, UNDP action in support of development extended to all human needs, whether for "basic resources, education, health services, food, housing, employment" or "the fair distribution of income", all of which were explicitly covered in article 8 of the Declaration.

58. The aims covered in article 8 represented the very purpose of UNDP actions, whether they took the form of processes, programmes, projects or isolated activities. All those mechanisms were used to strengthen national capacities and develop human resources, while seeking to enhance and preserve natural resources.

59. UNDP was concretely engaged in the process of making its approach more operational, by conducting studies on the development profiles of various countries. Those studies were prepared for the use or the development of sets of social indicators and were aimed at interpreting development levels and processes from the point of view of human development.

60. Once the stocktaking was over and the diagnosis had been made, it would be possible, at both the international, national and even regional levels, to set objectives in terms of human development, formulate strategies in support of those objectives, design programmes and mobilize resources, in an exercise whose purpose would be none other than the implementation of the principles laid down in the Declaration.

61. Such prospects could not become a reality without the participation of all the parties involved in the development process, for which reason UNDP had in recent years considerably expanded its range of partners and modalities of action, in order to reach beyond Governments to the grass-roots communities. Other participants had therefore been approached by UNDP, such as the non-governmental organizations and the private sector, and special efforts had been undertaken, at both the theoretical and practical levels, to promote effective participation by women in national development processes.

62. Thus, although UNDP action was within the purview of United Nations relations with its Member States, and although its activities required the agreement and cooperation of the Governments that requested them, ways had been found to integrate other participants into the processes of formulating and implementing development programmes.

63. Too often development continued to be seen as the product and distribution of growth, whereas it should be possible to measure it and to translate it into objective terms, such as the number of families with housing, the number of persons decently fed and the number of individuals with access to primary health care, to cite just a few simple indicators, with no order of ranking.

64. It is true that progress was being made in considering development - as the Declaration emphasized - to be a comprehensive, economic, social, cultural and political process. In practice, however, much remained to be done to develop and implement genuinely integrated approaches, despite the numerous declarations on the subject of integration and the many appeals for coordination, both in international forums and national administrations.

65. The full development of individuals, like the success of the development policies and programmes that were supposed to pursue that ultimate objective, presupposed, as the Declaration emphasized, full participation by individuals in the decision-making processes that concerned them and not just a share in the benefits of those efforts.

66. Development aid, through transfers of resources and know-how, largely determined the chances of a substantial segment of humanity of escaping from underdevelopment. However, it had to be noted that, in addition to stagnating in relative value, aid was increasingly being redeployed for emergencies, thus delaying the chances of that segment of humanity of escaping from the vicious circle of extreme poverty and social breakdown and condemning it to be an eternal charity case.

67. In reply to the questionnaire prepared by the Working Group, UNDP submitted that the consensus at the World Conference on Human Rights around the Declaration on the Right to Development was very significant and enabled intergovernmental organizations like UNDP to play a role in disseminating information about the Declaration, in particular the opportunities it provided for an integrated approach to development that linked civil and political and economic, social and cultural rights. UNDP planned actively to disseminate information about the Declaration to its network of country offices, and to encourage debate around it. The Declaration provided an intergovernmental consensus for the type of integrated approach UNDP was promoting under the rubric of sustainable human development.

68. UNDP had been reviewing ways and means to strengthen its service to the United Nations system, to enable it to become a unified and effective force in assisting countries to achieve and sustain human development, the integrated vision of development it was evolving in the concept of sustainable human development.

69. A recent study of UNDP operational activities in order to refine and operationalize the concept of sustainable human development had found that the development community concentrated on physical, human and natural capital but payed insufficient attention to social capital, i.e., relations between people. It underlined the need for more attention to social capital through building coalitions and consensus behind development approaches.

70. The Declaration's role in strengthening the links between democracy, human rights and development was decisive, given that there was now an intergovernmental consensus behind such an approach. The importance of those links had been recognized by Governments and development agencies, e.g., in governance programmes that linked State modernization and reform to strengthening institutions of human rights. UNDP supported such programmes in response to country requests. The Declaration would enable the international community to move farther and faster in that regard.

71. The right to development had been raised in UNDP programmes since the mid-1980s, although not through the formal discussion or adoption of the Declaration. Particularly since the fifth programming cycle, 1992-1996, UNDP target areas had included poverty and people's participation, management of development, the environment, women and technology. UNDP was commissioning a paper, in follow-up to the Vienna Declaration and Programme of Action, to review the impact of its development activities on human rights. The conclusions and recommendations of that paper would enable the organization to implement further the right to development.

72. There was a need further to develop indicators in order to assess progress in achieving the right to development. The UNDP human development index was a contribution to that process. The challenge still remains to evolve cross-sectoral indicators (such as the "greening" of the index), as well as for other tools to assess the quality of progress. A great deal could be achieved in terms of building national consensus around development priorities, which was essential for progress but was harder to measure. Moreover, given that the right to development was an integrated approach to development, there was a need for methodologies on multidisciplinary, cross-cutting approaches to development, which UNDP would be working on as part of its contribution to developing the sustainable human development concept.

I. Division for the Advancement of Women of the Secretariat

73. In its reply, the Division for the Advancement of Women sent the report of the Secretary-General on women in urban areas: population, nutrition and health factors for women in development, including migration, drug consumption and acquired immunodeficiency syndrome, 9/ prepared for the thirty-eighth session of the Commission on the Status of Women.

74. Some of the major points of its conclusions and recommendations were that a holistic and integrated approach to urban development, involving partnership and the participation of the public, private and community sectors, must involve both women and men at all stages of the development process, from identification through decision-making to implementation.

75. One of the most critical issues for women in cities was urban land tenure and property relations. Legislative reform which removed obstacles to women's access to land ownership and which protected women in terms of property was a vital first step in addressing gender imbalances in the city.

76. Poverty, alcohol and drug abuse, overcrowding, the absence of communal space and competition for scarce resources led to domestic violence and social tensions in cities. Social conflicts affected women, men, boys and girls and the elderly differently. Violence in cities was related to domestic violence in households across all income groups, affecting women and children in particular.

77. Gender relations in the arena of urban politics were not yet well articulated. At a conceptual level, the notion of governance, which referred to relations between civil society and the State, offered a useful entry for thinking about gender relations in the city. Given the active engagement of women in urban-based struggles, the empowerment of women in civil society, politics and State structures was a basic requisite for good governance. In addition, housing policy and programmes needed to recognize the particular constraints faced by women and women who were heads of households in gaining access to housing.

78. Rural women who maintained food security and the general well-being of their families/households and who were capable of raising living standards through profitable use of remittances from urban workers were an important link between rural and urban areas. Improving the status of rural women and their control over resources should be considered as strategically important in efforts made at all levels towards fostering rural and urban development.

79. Access to nutritionally adequate and safe food was a right of each individual. National and local governments should ensure access to a nutritionally adequate food supply at the urban-household level. In addition, population and reproductive health programmes should be placed in the broader context of primary health care services and should define reproductive choice as a basic right and a health issue which respected the dignity and privacy of women.

J. United Nations Environment Programme

80. In addressing the Working Group, UNEP stated that the right to develop could not be viewed outside the environment where it would be exercised, whether political, social, economic, or, first of all, physical. Development only made sense if properly integrated into all those dimensions. The threats to human life were increasing in scope and intensity. Disregard for human rights could not be dissociated from disregard for nature and the environment at large, since both inevitably led to environmental destruction through the imbalance and conflicts they generated. The right to develop was directly affected by the sometimes irreversible deterioration of the environment.

81. The World Conference on Human Rights had recognized, in the Vienna Declaration and Programme of Action, that illicit dumping of toxic and dangerous substances and wastes constituted a serious threat to the human rights to life and health of everyone. To the waste issue must be added the dangers posed by the depletion of the ozone layer, dangerous chemicals, marine pollution, pollution of the air, water and soils, the disappearance of natural species and habitats, the deterioration of human settlements and the rapid loss of

environmental traditional knowledge by indigenous people of how to manage their environment.

82. The right to develop therefore entailed a duty to protect the environment and the life of future generations at all levels by both Governments and the peoples of the earth. It also implied the full recognition of the rights of individual States over their natural resources as stated in Principle 21 of the Stockholm Declaration of the United Nations Conference on the Human Environment, 10/ which stated that States had, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control did not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. That principle had since been reaffirmed in many declarations and treaties, including the Declaration on the Right to Development. Access to resources was becoming an increasingly essential element of the development process.

83. At the international and regional levels, it was urgent, in particular, to implement fully the various environmental conventions, action plans and programmes which would guarantee people's right to a safe environment and open perspectives for sustained development.

84. In that connection, the recommendation made in Agenda 21 11/ that Governments, when making priorities for future law-making on sustainable development, might include an examination of the feasibility of elaborating general rights and obligations of States, as appropriate, in the field of sustainable development, as provided by the General Assembly in resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development. Such a review would contribute significantly to removing obstacles to development and creating conditions favourable to the development of peoples and individuals in a long-term perspective.

85. At the national level, the design of sustainable development policies and plans should receive high priority, as recommended at the United Nations Conference on Environment and Development.

86. The global partnership for sustainable development advocated by Agenda 21 was closely related to the question of the right to development. The obstacles to a clean environment and a proper management of natural resources and global commons would inevitably have negative repercussions on the right of people to develop. The Declaration on the Right to Development rightly stated that the human person was the central subject of development and should be the active participant and beneficiary of the right to development. Sustainable development placed human concerns at the heart of the development process so that the environmental and developmental needs of present and future generations were met.

K. United Nations Environment Programme/Convention on Biological Diversity

87. In its reply, the interim secretariat of the Convention on Biological Diversity drew attention to the importance of preservation of biological diversity as an element of the strategy of the international community for achieving sustainable development. The Convention, opened for signature during the United Nations Conference on Environment and Development, fully recognized that necessity.

88. The promotion of international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector was an important tool, under the Convention, for the achievement of such objectives. Therefore, concrete provisions of the Convention were devoted to financial resources, access to and transfer of technology to developing countries as well as technical and scientific cooperation including exchange of information and experience.

L. Office of the United Nations High Commissioner for Refugees

89. UNHCR submitted that in addition to its mandate of providing international protection to refugees and finding durable solutions to their problems, and as part of the need to find such solutions, strong measures in countries of origin must be taken in order to prevent and resolve refugee flows. Those measures included preventing the conditions which forced people to leave their country of origin. In that sense prevention included a range of activities by the international community in the promotion of human rights, early warning and granting protection and assistance to the internally displaced.

90. It was often disregard for human rights which produced refugees and which, in consequence, had a significant impact on the development of the country of origin through the loss of human resources, skills, and breakdown of family and cultural ties. It should also be recognized that refugees in countries of asylum often faced great obstacles, including legal barriers, in pursuing opportunities for education and employment. That undermined the human resources potential of the refugee population in the asylum country, as well as in the country of origin when they were able to repatriate voluntarily.

91. Moreover, as concerns voluntary repatriation, which was the preferred solution for the vast majority of refugees, the role of UNHCR was to provide returning refugees with protection and assistance aimed at their reintegration in society. However, the success of voluntary repatriation often depended in large part on overcoming obstacles to the right to development in the refugees' country of origin. In that regard it should be further noted that many refugees were returning to countries whose economic structures have been undermined, if not destroyed, by armed conflict. An examination of obstacles to achieving the right to development in situations of post-conflict peace building might be a topic which the Working Group on the Right to Development wished to pursue.

M. United Nations Population Fund

92. In addressing the Working Group, UNFPA observed that population variables (fertility, mortality and migration), as well as population policies and activities, were of crucial importance to the right to development because they reflected three key aspects of that right, namely, dignity, freedom of choice and the individual's sense of responsibility.

93. Although those three key periods of an individual's existence were important from the point of view of the right to development, it was clear that there was a logical - and chronological - order in establishing the conditions that make possible the exercise of that right, or, on the contrary, prevent it. Freely choosing to give life and to decide on the number and spacing of births were the very basis of the right to development in the sense that reproductive rights set the conditions for acquiring and exercising the other elements that were an integral part of the right to development. On the other hand, it might also be said that the conditions of death might be a result of the enjoyment or non-enjoyment of the right to development. The very high maternal mortality rates seen in countries where women could not exercise their reproductive rights were a direct illustration of the links between those different elements.

N. World Food Programme

94. WFP observed that it had taken action in a number of different development sectors and activities relating to the right to development.

95. The connection between food aid and the right to development assumed greater clarity when the right to food was placed in its proper context as the most fundamental of all human rights and a precondition to development. By providing food as relief during emergencies or as a resource in support of development activities, WFP promoted, in a concrete way, the achievement of the right to food and contributed towards laying the foundations on the basis of which the goals envisaged in the Declaration on the Right to Development could be achieved. The right to development was seriously in jeopardy whenever the right to food could not be fulfilled.

96. Food aid could be used to accelerate development and self-reliance by removing the obstacles that prevented nations and peoples from exercising the right to development. Food aid was also viewed by WFP as contributing to human development since the rations provided, which were always directed to the poor, alleviated the serious effect of undernourishment on human development.

97. To say that the problems of hunger, poverty and underdevelopment that faced developing countries were essentially structural was not to suggest any lessening in the immediate humanitarian efforts needed to meet urgent needs for food, debt relief and increased net capital and technological transfers. But it was necessary to ensure that ways were found to meet those needs without making the underlying situation worse. On the contrary, short-term measures should increasingly be tailored towards re-enforcing long-term solutions. The experience of WFP demonstrated that food aid used properly could contribute

substantially to increasing food production, which was a vital necessity for promoting self-reliance and, ultimately, the right to development.

98. From WFP experience there were a number of important lessons if poverty and hunger were to be overcome and people's right to development assured. The most important might be briefly summarized:

(a) An appropriate overall economic policy framework and a commitment by Governments in developing countries to policies that explicitly addressed the problems of poverty, hunger and the right to development were essential;

(b) Resources were required on a much greater scale if poverty and hunger were to be eradicated speedily and sustainably. Not only would greater resource transfers be required, but a redirection of current resources - internal and external - would also be necessary;

(c) As the causes of poverty and hunger were multifarious, so too should be the measures taken for their eradication. There was no single solution and there were no quick fixes;

(d) While increasing food production on a sustainable basis was an important, even daunting, requirement, it alone would not solve the problem of hunger and the right to food. The world food production problem was not synonymous with the world hunger problem. Ensuring access, or "entitlement", to food by the poor was vitally necessary. That could best be assured on a sustained basis by increasing their productivity, employment, incomes and assets, and hence their purchasing power. It also implied that in combating hunger, the necessary policies and programmes must extend beyond the food and agricultural sector;

(e) The poor and hungry were not a homogeneous group. There were important differences between, for example, small subsistence farmers, pastoralists, the landless and the urban poor, that affected the causes of their hunger and the coping strategies they could use to combat hunger. The poor had been skilled at devising strategies that made the best use of limited resources and opportunities to reduce their vulnerability to hunger. Resources should, therefore, build on, or reinforce, those strategies;

(f) Women played pivotal roles in food security both as producers and as key decision-makers in food consumption. Those roles should be fully recognized and supported;

(g) The pursuit of increased production and productivity must be on an environmentally sustainable basis, treating the earth in such a way that it could meet the needs of future generations.

99. In the view of WFP, any constructive measures aimed at promoting the right to development should take into account the following essential points:

(a) The right to development should be pursued from the point of view of the human person as the central subject of development. In that connection,

increasing attention should be paid to promoting human resources development as the bedrock of true self-reliance;

(b) Governments should play the lead role in those efforts, with the United Nations and other donor countries and organizations playing a facilitating or catalytic role;

(c) The right to development and the right to food were inextricably linked and therefore efforts to remove obstacles in the way of the latter should be consciously integrated into broader programmes and activities to promote the former;

(d) Efforts to promote effective implementation of both the procedural and substantive aspects of the Declaration must go beyond the dissemination of information and educational and research activities.

III. COMMENTS RECEIVED FROM SPECIALIZED AGENCIES

A. Food and Agriculture Organization of the United Nations

100. FAO observed that, given the mandate and role of FAO, the constraints and problems affecting the right to development related principally to the provision of adequate food and nutrition to ensure optimum physical and social well-being of the population, which was from the point of view of the individual nothing more than the most important of human rights, the right to food.

101. The development of a world food security system that facilitated the process of assessing and monitoring the food security situation at the global, regional, national and household levels, as well as ensuring that the countries facing serious problems receive the appropriate technical aid and training, had been one of the major themes pursued by FAO in recent years. The main objective of food security was to ensure that all peoples at all times had both the physical and the economic access to the basic foodstuffs they needed to lead healthy lives, and as such was the principal means through which the right to food could be articulated. The main aspects of food security were related to food availability, stability in the flow of supplies and access to food, especially by those who were the most vulnerable.

102. At the International Conference on Nutrition in December 1992, representatives from 159 countries and the European Economic Community recognized the right to adequate food and nutrition and declared their commitment to ensuring that right in the World Declaration and Plan of Action for Nutrition in the following words:

> "We recognize that access to nutritionally adequate and safe food is a right of each individual ... Bearing in mind the right to an adequate standard of living, including food, contained in the Universal Declaration of Human Rights, we pledge to act in solidarity to ensure that freedom from hunger becomes a reality."

103. For several decades, the right to adequate food and nutrition had been recognized by the international community. However, obstacles denying millions of people that right continued to exist. Those constraints originated in varying political, economic and social spheres and converged upon those individuals who, on a day-to-day basis, simply did not have the necessary means to achieve nutritional well-being. Achieving good nutrition was considered an essential component of developing strategies not only because it was necessary for raising the productive capacities of individuals but, more importantly, because it expanded intrinsic human choices by allowing people to enjoy longer and healthier lives.

104. It was increasingly recognized that the most important cause of that situation, and therefore the main obstacle to achieving the full enjoyment of the right to food by every individual, was poverty. Thus, the obstacles to the right to food were essentially the same as those that hindered the eradication of poverty. In the developing world, where the majority of the world's poor lived, those obstacles were inextricably linked with obstacles to development, particularly with obstacles to agricultural and rural development. In that respect, it should be noted that the majority of the world's poor earned their living by producing food and in most poor countries employment and income opportunities in all sectors, not just agriculture, were closely linked to how productive agriculture was in those countries, which in turn depended on the capability of people to be effective and productive agents, the relative endowments of natural resources, and the availabilities of man-made physical capital.

105. Thus, inequities in land and income distribution, lack of education and training and barriers to access to inputs, including those embodying new technology, as well as to services, markets and finance, constituted important economic and social impediments to the realization of the productive potentials in agriculture and to the enjoyment of the right to development.

106. Both direct and indirect discriminatory practices in the public and private domains denied certain groups such as women, children, minorities, indigenous groups, refugees, the elderly, the disabled, and others the opportunity for a nutritionally adequate diet.

107. Another constraint was the lack of cooperation and coordination between groups providing assistance to those suffering from malnutrition. Governments, United Nations agencies, private industry, non-governmental organizations, communities and others should coordinate their efforts to secure that right to all citizens. Thus, limited resources could be directed more effectively to reach those most in need.

108. There must also be improved assessing, analysing and monitoring of the food and nutrition situation in order to demonstrate accurately the magnitude of the problem and to develop programmes to target vulnerable population groups. Early warning and food information systems should be established in areas where potential famine and malnutrition were imminent.

109. Man-made disasters caused by civil wars and the collapse of economic and political systems and the vagaries of nature were persistent characteristics of

food insecurity around the globe and constituted the most immediate threat undermining the right to adequate food and nutrition. Although such emergency food security problems might not appear to have an immediate bearing on issues related to the right to development, there were two aspects of food emergencies that were directly related to the obstacles to the implementation and realization of that right. First, whatever the cause of a food emergency problem, if the productive capacity in the afflicted regions could not be quickly restored, an emergency situation could transform itself into one of chronic food insecurity affecting the development process itself. Secondly, unless significant inroads were made into strengthening the productive base of agriculture through the economic and social development process, vagaries of the weather would continue to hinder periodically the enjoyment of the right to food, especially in the vulnerable areas.

B. International Labour Organization

110. ILO submitted that it was very pleased to see the discussion of development issues within the human rights framework of the United Nations. That reinforced the close link that ILO felt should exist between the human rights and development aspects of the work of the United Nations system. ILO considered that it was impossible to divorce those two aspects of the work from each other, and that it was artificial to keep the "development agencies" and the human rights bodies of the system in separate compartments.

111. The right to development was inherent in the objectives set for ILO in its Constitution as far back as 1919, which might be summarized as the search for peace founded on social justice through the improvement of conditions of work, which ILO undertook to achieve through the adoption of international labour standards in the tripartite setting of the ILO Conference as well as through the provision of technical cooperation, including services and assistance to formulate and implement national policies, programmes, laws and regulations. In a new approach, ILO was implementing an active partnership policy, which was putting 14 multidisciplinary teams into the field to put its policies into practice and to bring assistance closer to the constituents of ILO.

112. The ILO mandate for social justice ruled its approach to development questions. Development must be a balanced economic and social process aiming at the human person's material well-being and spiritual needs, in which respect for basic workers' rights - which were one of the fundamental aspects of human rights - constitute both a condition and an incentive.

113. Current ILO activities relevant to the right to development existed in the following areas:

(a) Equality of opportunity and treatment. ILO addressed the restriction of the right of certain groups or categories to participate in development through discrimination based on race, sex, social origin or other considerations, through a particular focus on the occupied Territories and Eastern Europe;

(b) Women. Equal opportunity and treatment for women and their full integration in development was another basic concern of ILO, echoing that of article 8 of the Declaration on the Right to Development. ILO had adopted specific standards aiming at equality of remuneration, the elimination of all discrimination on the grounds of sex or family responsibilities in matters of employment and occupation and the protection of maternity. ILO was also in the process of completing a two-year special project aimed at integrating women's concerns into all aspects of the ILO programme, especially in development assistance. Access to means of economic production through the provision of credit, training and the establishment of cooperatives, was extremely important. That often meant trying to remove the obstacles to women's participation in development that arose from tradition, from law, from religion, and more generally from their exclusion from participation in the decision-making process;

(c) Indigenous and tribal peoples. Another group suffering badly from exclusion from the decision-making process was indigenous and tribal peoples. There were some 300 million of them around the world, on all continents and in most countries. In the area of indigenous and tribal peoples, for historical reasons, ILO was responsible for the only international standards ever adopted for those peoples. Because of that exclusion from the decision-making process as it affected them, they were unable to contribute to adapting national and international development programmes to their own specific needs. That exclusion and past discrimination were the major obstacles to their development. In that field, as in others, the different organizations of the United Nations system had conflicting definitions, mandates and means of action concerning indigenous and tribal peoples. That might mean that the measures taken to assist the development of those peoples could be counterproductive for the people concerned. The International Year of the World's Indigenous People, 1993, went some way towards helping to coordinate within the system, but more had to be done in that respect;

(d) Child labour. The existence and persistence of child labour was in itself both a result or lack of development and an obstacle to development in the future. Child labour arose from poverty, and contributed directly to it. ILO was completing a two-year interdepartmental project to integrate child labour concerns into a wider range of ILO activities and to find effective strategies for combating and overcoming it;

(e) Forced labour and freedom of association. Forced labour and freedom of association were vital concerns of ILO work for development and human rights. The violation of those rights was an obstacle to development, and their realization was a positive contribution to the right to development. ILO worked closely with the United Nations supervisory bodies in monitoring the implementation of those rights, particularly in the context of the International Covenant on Economic, Social and Cultural Rights, and also through other mechanisms. ILO also devoted considerable energy to the implementation of those rights through its own supervisory work and through its practical assistance to Governments and to employers' and workers' organizations;

(f) Employment and extreme poverty. Denial of the right to development in its most aggravated and massive manifestation was found in the conditions of

extreme poverty in which hundreds of millions of people were living today, mostly in third world countries. That was closely linked to the question of employment, and to ILO efforts to promote full, productive and freely chosen employment, a vital means of achieving the realization of the right to development. Measures for achieving that were laid down in the ILO Employment Policy Convention (No. 122, 1964) and its supplementing recommendations.

114. Related to that issue, ILO had been carrying out a special interdepartmental project during the present biennium on the question of structural adjustment. A potential conflict existed between notions of economic and social development and the price of ignoring social development in promoting economic development alone. That was a subject on which ILO sometimes found itself in disagreement with the international financial institutions, and where ILO insisted that the needs of social development and social protection be taken into account.

115. Concerning the question of how to measure development, ILO suggested strongly that the criteria laid down in international standards be taken as the benchmark. The Declaration on the Right to Development, which saw the human person as the central subject of the process, was the essential benchmark. That took up in more detail what was laid down in terms of "rights" in the International Covenants on Human Rights. ILO was committed to the principle that the human person was the centre of development, affirmed by the Declaration of Philadelphia and in turn developed in tremendously greater detail by the ILO conventions and recommendations adopted over the past 75 years. Reference to international standards would afford the further advantage of making available the mechanisms for evaluating and stimulating progress in the achievement of the aims of those standards, and thus in the achievement of the right to development. Existing supervisory mechanisms of ILO and the United Nations could well be taken as the basis for the process.

C. International Monetary Fund

116. IMF submitted that predictable implementation of sound macroeconomic and financial policies lay at the core of a country's ability to realize the right to development, but that such implementation, in turn, depended upon broad public support and understanding of such policies. Further, in that implementation the social dimensions of economic policies must form an integral part of any policy package, as must the unique needs and situation of each country.

117. In recent years IMF had given increased attention to encouraging and supporting the efforts of member countries to promote social objectives during periods of adjustment and reform, through both policy advice and technical assistance. The main contribution the Fund could make to the social dimension of growth and development was to strive to improve performance in its own area, macroeconomic adjustment and reform. After all, sustained economic growth, and macroeconomic stability on which it depends, were necessary conditions for social progress and, above all, for the reduction of poverty.

118. IMF, however, was of the opinion that experience with so many structural programmes in all parts of the world showed that one of the most frequent cases of failure or delay in their implementation was not errors in design, or a shortage of international financing, or resistance by the poor to temporary hardships associated with adjustment, but resistance of vested interests to the strengthening of the tax base that was needed to meet effectively the cost of even minimal and strictly targeted social safety nets.

119. In that respect, IMF underlined the fact that it was only the macroeconomic pillar of the system of global cooperation and not the social pillar and that its work in pursuit of social objectives could only be developed in association with other institutions within the United Nations system.

120. IMF underscored the linkage between democracy, development and the enjoyment of human rights. Thus, economic progress depended upon an effective development strategy rooted in a supportive global, economic and trading system, which could not succeed in the absence of social progress that harnessed the vitality, energies and ingenuity of the individual. Those in turn required enjoyment of and respect for human rights, as any exclusion of parts of the population would undermine both the moral and the economic dimensions of social progress.

121. As one of the economic institutions of the United Nations system, IMF was entrusted with helping to assure attainment of growth and development of the productive resources of all members within a globally cooperative setting. Today, achievement of the high levels of employment and real income and the sustained development of the productive resources of all the members required "quality growth". It was the task of IMF to help to assure that the economic impediments to achieving quality growth were recognized and overcome, if necessary through processes of "structural adjustment".

122. The Fund's basic task was to support such considered adjustment, whose success depends on four elements: (a) the design of sound macroeconomic policies; (b) an appropriate development strategy, including efficient resource development and allocation and supportive external financing; (c) the design of social policies; and (d) the active support of an open, rule-based trading and investment system. To assure the first task, the cooperative efforts of all individual actors were crucial, those in the private and the public sector, at home and in the international community, including the United Nations agencies.

D. United Nations Educational, Scientific and Cultural Organization

123. UNESCO submitted that in its contributions to the World Summit for Social Development, it hoped to reaffirm the central role of the notion of development, its multidimensional character and its ethical foundations. In some of the activities anticipated in preparation for the Summit it hoped to examine the relationship between cultures and development, emphasizing cultural diversity. A book exploring the different aspects of the concept of "the right to development", including the obstacles to its implementation and realization, would be one of the outputs foreseen.

E. World Bank

124. In addressing the Working Group, the World Bank stated that its vision of economic development and its strategy to attain it were fully compatible with the concept of the right to development.

125. The World Bank believed that poverty alleviation and the ways it tried to pursue it were essential preconditions for the promotion and protection of all economic, social and cultural rights. The Bank's emphasis on poverty reduction was seen as the overarching objective of development and its focus on education, health, nutrition and family planning as key instruments to improve the living standards of the poor and to enable them to participate in development. In the Banks' view the ultimate success of that strategy would give full meaning to the concept of the right to development.

126. In its concept of development, the Bank focused on the notion of sustainability of development, which suggested that whereas growth was necessary for development, growth was but one condition for sustainable development, the others being how growth was managed, in what form it occurred, who benefited from it and who participated in it. There was also an increased emphasis on the quality of governance as there was a close correlation between transparency, accountability and the rule of law in the management of economic processes.

127. The Bank had become increasingly involved in institutional development, as clear correlation between the strength of the institutional framework and the developmental impact and sustainability of economic programmes and projects.

128. The right to development and its implications in terms of specific political, economic, social and cultural rights were being dealt with by the Bank not as legal but as economic and technical issues. In other terms, in the Bank's paradigm, development issues were addressed not as rights and obligations, but as goals and means.

129. In the Bank's view, its Articles of Agreement did not contradict human rights law, nor were they inconsistent with the concept of interdependence, indivisibility and universality of human rights. The Bank acknowledged that development encompassed economic, social, cultural, environmental and political aspects, but it could not consider them as "rights".

130. In the long run, the Bank's work, which in its view promoted economic, social and cultural rights, was likely to lay the foundations for the promotion of political rights as well.

F. World Health Organization

131. WHO expressed its commitment to the letter and spirit of the Declaration on the Right to Development. It submitted information pertaining to emergency and humanitarian action; environmental health; the global programme on acquired immunodeficiency syndrome (AIDS); health promotion and education; development of human resources for health; intensified cooperation with countries; maternal and

child health and family planning; substance abuse; and strengthening of health services, based on the submission of its various divisions.

132. Disaster meant acute interruption of development in the area hit by disaster. The individual and collective rights to health and development were adversely affected by emergencies. While disasters were negatively affecting development by draining resources necessary for development, underdevelopment was increasing the disaster vulnerability of those countries. To ensure the right to development in the health sector, disaster prevention, reduction and preparedness should be built into the developmental plan of the country. That included early warning.

133. Accepting that development was a "human right", that development could not take place without some modifications to the environment and that human health, the primary consideration, was dependent on the environment, a basic component of any planning and/or strategy to satisfy that "right" must contain health as an integral component. The right to development and the right to health were interdependent, with the environment forming the linkage. They therefore had to be planned for together if the needs of both were to be satisfied. Also, development not only related to improvements in economic terms but must have included improvement in the conditions of the environment, the reduction in risks to the environment and the improvement in health status resulting from environmental improvements and safeguards.

134. The widespread stigmatization and discrimination experienced by people living with human immunodeficiency virus (HIV)/AIDS denied those individuals, and often their families, the enjoyment of many of the critical aspects of the right to development. For persons living with HIV/AIDS, that discrimination included denial of employment, education, housing, freedom of movement and the right to privacy, as well as access to health care and support. In that context, HIV/AIDS and related discrimination impaired the full enjoyment of the right to development for people living with HIV/AIDS.

135. People had the right to know and learn about health issues and problems. However, there was still insufficient dissemination of pertinent information on health to individuals, families, communities and to society as a whole. There was also a lack of continuous mobilization of social forces and social organizations in favour of health. In addition, there was still a lack of awareness and/or understanding, mainly among decision makers and local leaders, of health as a human right and of the interactions between health and development.

136. WHO had long given priority to the careful development of human resources for health. With good planning, training and management and an appropriate balance between the different categories they could make a major contribution to the health of a nation. Often, however, health personnel were in the wrong proportions with respect to each other, in the wrong geographic locations or in inappropriate types of institutions. Sometimes they spent too much time on activities that made a limited contribution to health. Moreover, many countries had trained more health workers, or a higher proportion of the more expensive categories, than their economies could support.

137. The right to development was inherent in the strategy of intensified WHO cooperation with countries and peoples in greatest need. That strategy was country-focused and country-specific, in contrast to the more usual programmatic approach of WHO, and was aimed at the poorest of the poor: the poorest countries and the poorest groups within those countries. It aimed to combat and lessen inequities in the health system, especially as they affect disadvantaged groups such as women, children, the elderly, migrant workers, etc.

138. To ensure close and effective coordination in that approach, active partnerships had been built up with other United Nations agencies and bilateral development agencies to support specific activities at local and country levels. Those partnerships were important, especially in countries facing great social inequities and even violations of human rights, where pressures from the international community towards improving equity could facilitate significant changes.

139. Human development was both the foundation and the objective of social development. The health problems of women and children had their origins in the inherently vulnerable stages of the cycle of reproduction, growth, development and maturation. Failure to meet the growth and development needs at one stage adversely affected subsequent stages. At no stage was that vulnerability greater and its lifelong impact so profound for both mother and infant as during pregnancy, delivery and the immediate postpartum period.

140. Unequal access to health care and food, excessive work at times of rapid growth, denial of equal opportunity for education and obstacles to reproductive health left a woman physically, socially and mentally unable to exercise her full rights to personal and social development, unable to protect herself from unwanted pregnancies or sexually transmitted diseases.

141. Problems related to psychoactive substance use might impede the full realization of the right to development, inter alia, where Governments supported promotion, production and consumption of licit drugs such as tobacco and alcohol or where they assigned irrationally huge resources for the "war against drugs" in developing countries, while only token funds were invested by the international community in promoting programmes that recognized the human person to be the central subject of development.

142. The basis of world health policy was social justice. Clearly, if that was not respected, there would be no development. The right to health preceded the World Conference on Human Rights and it was now universally recognized that equity and basic human needs must remain the primary concern of social development strategy. The wide disparities in living conditions and in opportunities must be reduced, with special attention to rural areas and urban slums. The importance of coordinated efforts by the social and economic sectors was clear. Those making decisions on economic policy must be informed of the implications of their policy for the health and social conditions of the various population groups.

143. The relationship between health status and socio-economic development had been amply demonstrated. In developed countries, the communicable diseases that were once the principal causes of mortality had been controlled by improvements

in living conditions, nutritional status, sanitation and health behaviour, and that had been done before major discoveries were made regarding their cure and treatment. In the low-income countries, health development had become part of the national economic strategy, which sought to provide the poor with access to resources and economic opportunities, raise educational levels, ensure the availability and distribution of food, improve the status of women and provide the basic infrastructure of transport and other public amenities. Involvement of the underprivileged in the effort to improve their own health was crucial.

144. A challenge faced by many countries was how to safeguard health and health care for the underprivileged in adverse circumstances, such as the adoption of economic adjustment policies. It was essential for ministries of health (and the ministries dealing with other sectors) to identify essential services which the Government should fund as a priority. Inequities in health and health care must be brought from obscurity into the spotlight of national debate.

145. Governments must take the lead in formulating equity-based health policies and strategies. In developing health policies, it was important to distinguish between differences in health and health care. Reduction of differences in health status required broad-based government action involving all sectors. Government macroeconomic adjustment policies, stabilization programmes and pricing reforms had important affects on the health of the underprivileged. Measures needed for health care improvement lay within the mandate of the health sectors. Policies should establish targets for the improvement of the health of underprivileged groups.

146. For most industrial and many developing countries, the challenge was one of political will. The biggest challenge in future was to develop a partnership between individuals, communities, districts, countries and the global community. The partnership had to be actively developed; it could not be taken for granted.

IV. COMMENTS RECEIVED FROM REGIONAL COMMISSIONS

A. Economic Commission for Europe

147. ECE submitted that its mandate was restricted to economic issues only and that so far it had not monitored the implementation of the right to development. However, it stood ready to provide in the future any relevant inputs, related to its work programme, which might be of interest to the Working Group.

B. Economic Commission for Latin America and the Caribbean

148. ECLAC observed that all of its work programme activities were all related to development. In its view, the main obstacles to the right to development in the region, notwithstanding the advances in the political and economic arenas, were the highly regressive effects of economic adjustment, the consequent increase in poverty, the widespread worsening of income distribution, and social inequalities which appear to have widened.

149. ECLAC studies showed that in the early 1990s, nearly 200 million Latin Americans (46 per cent of the total population) could not meet their basic needs, while 94 million (22 per cent of the population) were living in extreme poverty. This upsurge in poverty had even affected population groups employed in the public sector and in medium- and large-scale enterprises, i.e., groups outside the low-productivity sectors of the labour market.

150. If the fruits of growth were not distributed fairly, and if the gap between rich and poor widened and deepened as a result of behaviours such as conspicuous consumption, adherence to the system weakened. The current extreme disparities of income in Latin America and the Caribbean and the fact that vast sectors of the population were mired in poverty posed a challenge to the region which not only was an ethical imperative, but also had potentially serious repercussions on social and political stability.

151. In many cases, poverty and exclusion were concentrated in groups which, because of their ethnic background, age, social status, place of residence or gender, were marginalized or discriminated against with regard to access to the benefits of development. Although targeted programmes for their benefit and mechanisms for positive discrimination in their favour were undoubtedly necessary, paternalistic attitudes which could accentuate their cultural and social marginality by according them special treatment, and which might encourage an opportunism that increased their dependence on the State, should be avoided.

152. In view of the foregoing, the main concern was to generate effective equality of opportunity for all social groups. That meant not only avoiding discrimination, but also providing those whose opportunities had been deferred with the tools and assets they needed to integrate themselves effectively into the system. An obvious sphere of action in that regard was the correction of the judicial, legal and rights-related inequalities that had prevailed to date, which affected women by impeding the development of their potential and validating the cultural images underlying discrimination. There was an emerging consensus that the situation of women would not improve substantially unless they are empowered to exercise all the rights of citizenship. That meant that men and women must have equal freedom of choice in their relations with each other and with society, including equality in political participation, decision-making and the exercise of power.

153. The main requirement for gradually overcoming poverty was economic expansion, but there was also an important function for the State, which had an indispensable role to play in poverty reduction, ensuring equality of opportunity so that everyone could become involved in development, especially through policies to provide short- and medium-term assistance to sectors living in extreme poverty and groups that could not be assisted through the job market. Such functions could be carried out through guaranteeing an effective allocation of funds to social welfare and public services, while ensuring that the poorest groups had access to their benefits. On the basis of baseline studies of sectoral deficiencies and vulnerable groups, an appropriate balance could be struck between universal and targeted programmes from which vulnerable groups such as unemployed and poorly educated youth and female heads of household could be better addressed.

154. The ECLAC proposals stressed the impossibility of finding solutions to social problems without taking an approach that linked economic and social policies in innovative ways, while strengthening democracy and environmental sustainability. At the same time, the globalization of the economy and of communications and the transnational nature of social phenomena such as migration and environmental problems showed that "social issues" could not be isolated as internal problems and indicated promising opportunities for international and regional cooperation on social development.

C. Economic and Social Commission for Asia and the Pacific

155. ESCAP submitted that it was pleased to note that the Commission on Human Rights had decided to establish a Working Group on the Right to Development.

156. ESCAP implemented a wide-ranging programme of activities for economic and social development in Asia and the Pacific, all of which conformed broadly to the decisions contained in the Declaration on the Right to Development. Of particular relevance is the social development strategy for the ESCAP region towards the year 2000 and beyond, which had been adopted in October 1991.

157. ESCAP referred to the regional Ministerial Conference in Preparation for the World Summit for Social Development to be held at Manila in October 1994, which was expected to adopt a regional social development agenda for the ESCAP region into the twenty-first century. The agenda would also contain a number of decisions conforming to the Declaration on the Right to Development.

V. COMMENTS RECEIVED FROM REGIONAL INTERGOVERNMENTAL ORGANIZATIONS

A. European Commission

158. The European Commission submitted its annual report on the implementation in 1993 of the European Community's resolution on human rights, democracy and development, adopted by the Council and the member States meeting in the Council in November 1991. The report described the positive actions supported by the Commission to help the developing countries and the measures taken by the European Union and its member States in the event of serious infringements of human rights and/or the breakdown of democratic processes. Priority areas in doing so included the following: (a) operations linked with the exercise of public authority such as strengthening the rule of law at the institutional level and in terms of transparency of public administration and operations to support consultation of the population, especially in countries making the transition to democracy; (b) operations to strengthen civil society, including support for local associations and their membership organizations, freedom of the press and strengthening of education schemes; and (c) support for vulnerable groups.

B. League of Arab States

159. LAS submitted that the right to development was one of the most important issues in the present-day world since it reflected the extent of the advancement and progress of peoples although some, if not most, States were still facing numerous difficulties of various types in their development programmes. Some of those difficulties related to economic aspects while others concerned political, cultural or environmental aspects in those States.

160. Since the adoption by the General Assembly of the Declaration on the Right to Development the enjoyment of that right had become an increasingly important concept. In that regard, LAS commended the positive and important steps that the Commission on Human Rights was taking, through the competent Working Group, to give effect to that right, as well as the measures that it had taken to promote and strengthen the implementation of the Declaration on the Right to Development.

161. With regard to the questionnaire prepared by the Working Group on the Right to Development it could be said that the right to development, as stated in the Declaration on the Right to Development, played an important role in the planning and implementation of programmes and projects for development cooperation, as indicated in the new agreement reached by the international community at the World Conference on Human Rights.

162. In the view of the League, the implementation and follow-up of programmes and projects for development cooperation necessitated planning and coordination between the various organs of the United Nations in order to give full effect to that right. That could be achieved only through the formulation of programmes by the United Nations and its relevant organs with a view to eliminating the obstacles that were impeding the realization of that right and which were unquestionably posing many complicated problems since they related to economic, social, cultural and environmental aspects of the internal or international situation of States.

163. The obstacles encountered in that regard consisted of the lack of adequate coordination between the United Nations, its various organs and the States concerned since, in that regard, all States must cooperate in order to ensure the operation of a mechanism to monitor and implement the Declaration on the Right to Development, bearing in mind the need for coordination and solidarity with the United Nations through facilitation of the elimination of internal obstacles or through adoption of the recommendations of the Working Group on that right, which would undoubtedly be highly instrumental in making every State aware of the obstacles impeding the realization of this vitally important right of peoples. That confirmed that the strengthening of links between democracy, human rights and development in the manner proposed in the Vienna Declaration and Programme of Action would strengthen the right to development. The World Conference sought to promote that concept by emphasizing the need for the international community to support the least developed countries that were committed to the process of establishing democracy and achieving economic development, since democracy, human rights and development were closely interlinked and none of them could be achieved independently of the others. The achievement of democracy required respect for human rights, since violations of

human rights had an adverse impact on democracy and development could not proceed and flourish without respect for the human rights that were guaranteed in constitutions and local laws. In other words, democracy must be applied. The Declaration on the Right to Development emphasized the need to promote those three principles and the World Conference on Human Rights, in turn, stressed that concept in the manner proposed and agreed upon by States in the Vienna Declaration and Programme of Action.

164. At international conferences and symposia, LAS had frequently stressed the need for the enjoyment of the right to development and the need had been reaffirmed in the working paper submitted by the Arab Group to the World Conference on Human Rights. The League had shown special concern for the issue of the right to development and had submitted it, on more than one occasion, to the Arab Standing Committee on Human Rights as a separate agenda item. In that connection, resolution 5248, adopted on 13 September 1992 at the ninety-eighth regular session, had approved the promulgation of an Arab Declaration on Development, Indebtedness and Human Rights which emphasized that the international endeavours being made to uphold and protect human rights should be accompanied by endeavours to establish a new equitable and balanced economic and financial order. The Declaration had also referred to the adverse effects of indebtedness on the inalienable human right to enjoy a life of freedom and dignity and stated that nations, as well as individuals, were entitled to equality of opportunity in regard to development.

165. With regard to ways and means towards the realization of the right of development by all States, the recommendation of the League could be summarized as follows:

(a) All external debts should be cancelled or converted into grants;

(b) The interest rate should be lowered or abolished;

(c) Debts should be rescheduled on more favourable terms and, in particular, the time-limit for the repayment of loans should be extended;

(d) The financial resources available to the developing countries should be increased;

(e) Loans should be offered on easy terms by, for example, increasing the time-limit for repayment at low interest;

(f) International organizations and financial institutions should provide more assistance to support development projects in the developing countries;

(g) Customs barriers should be reduced; better facilities should be provided to enable the exports of the developing countries to enter the markets of the wealthy developed countries; and the terms of trade should be made more favourable to the developing and indebted countries;

(h) Emphasis should be placed on the need to incorporate considerations relating to the right to development in the lending policies of major financial institutions such as the World Bank and the International Monetary Fund and

particular importance should be attached to the transfer of advanced technology to the developing countries and to the need to help them to develop their economies and to improve their internal situation in order to overcome their economic problems;

(i) Criteria should be formulated to prevent some States from misusing human rights as a pretext to intervene in the internal affairs of developing countries and halt the provision of economic assistance to those countries to the detriment of their development endeavours.

166. International cooperation undoubtedly played a positive and important role in eliminating the obstacles that were impeding development in the developing countries. Accordingly, the wealthier countries had a responsibility to make a significant contribution to the promotion of development and to eliminate all the obstacles and impediments to the implementation of the Declaration on the Right to Development so that the developing countries could keep pace with world-wide progress and development.

C. Organisation for Economic Cooperation and Development

167. OECD submitted that the multifaceted trap of underdevelopment with its consequences for human health, nutrition, education, life expectancy and human dignity produced many obstacles to implementing the right to development, but real progress had been made in understanding and achieving development progress in diverse societies.

168. The Development Assistance Committee of OECD was deeply committed to the goals of development and so is its servicing directorate, the Development Cooperation Directorate.

169. A recognition of the obstacles which underdevelopment raised to the full enjoyment of human rights was touched upon in a paper prepared by the Development Assistance Committee on orientations on participatory development and good governance. The paper took as its point of departure the vital connection between open, democratic and accountable systems of governance and respect for human rights, and the ability to achieve sustained economic and social development. That connection was so fundamental that participatory development and good governance must be central concerns in the allocation and design of development assistance.

170. The "areas for action" throughout the paper identified a sample of close to 100 measures, from the wide-ranging to the highly specific. They ranged from targeted measures to strengthen legal or accounting expertise to broad-based action to reduce excessive military expenditure, to multifaceted action in support of human rights and effective participation and to strengthen civil society.

171. One of the approaches adopted was that the human being was the central subject of development, as recalled by the World Conference on Human Rights in the Vienna Declaration and Programme of Action.

172. Participatory development could be defined as a process by which people took an active and influential hand in shaping decisions that affected their lives. Popular participation might involve long and difficult processes, but it brought many benefits: the contribution of local knowledge to activities; an increased chance of objectives and outputs being relevant to perceived needs, greater efficiency and honesty of officials and contractors because they were under public scrutiny; "ownership" of the activity by community-based organizations. Through empowerment, participation could also lead to increased knowledge and skills, and the distribution of power among individuals and communities, thus improving social equity.

173. Democratization integrated participation into the political life of the country and provided a basis for legitimacy of government. A wide variety of entry points existed for initiating democratization and, on the part of donors, for providing appropriate support. Assisting democratization should be viewed as a long-term process.

174. It was useful to distinguish between three aspects of governance: the form of the political regime, the process by which authority was exercised in the management of a country's economic and social resources; and the capacity of government to formulate and implement policies and discharge government functions. The rule of law, public sector management, controlling corruption and reducing excessive military expenditures are important dimensions of governance.

175. The paper further referred to paragraphs 8 and 10 of the Vienna Declaration and underlined the fact that effective development cooperation on human rights required programmes for motivating and training donor agency staff generally, in addition to those directly involved in reporting on human rights situations, and building aid agency capacity to design and pursue promotional policies.

176. OECD drew attention to the research programme for 1993-1995 of the OECD Development Centre on challenges for the mid-1990s, which, inter alia, focused on subjects such as globalization and competition: State and corporate strategies; sustainable development: environment, resource use, trade and technology; financial systems, resource allocation and growth; and international migration and development.

177. If development faltered or failed, the income gap between North and South continued to widen, population growth was unchecked, global environmental problems were aggravated and many of the poorest countries excluded from the world economy, international stability and security would be undermined, and the economic and social development of all participants in the world economy would be gravely compromised. Those problems had led the Development Centre to renew both its fields of study and its methods to try to assess, on the one hand, the impact of increased world interdependence on OECD member countries and, on the other, the new challenges facing policy makers in the developing countries. In addition, given the urgent nature of certain issues, it had appeared necessary to supplement the traditional in-depth studies on major themes by short-term projects involving less intensive but incisive research that can rapidly provide the various OECD committees with bases for reflection, thereby contributing to

better horizontal integration of the Centre's work with that of the rest of the organization.

Notes

1/ E/CN.4/1993/16.

2/ E/CN.4/1994/21 and Corr.1 and 2.

3/ For the report of the Working Group on its second session, see E/CN.4/1995/11.

4/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 18 (A/33/18), annex V, p. 109.

5/ See Proceedings of the United Nations Conference on Trade and Development, Eighth Session, Report and Annexes (TD/364/Rev.1) (United Nations publication, Sales No. E.93.II.D.5), part one, sect. A.

6/ Ibid., part two, sect. A.

7/ A System of National Accounts, Studies in Methods, Series F, No. 2, Rev. 3 (United Nations publication, Sales No. E.69.XVII.3).

8/ United Nations publication, Sales No. E.89.XVII.6.

9/ E/CN.6/1994/3.

10/ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1992 (United Nations publication, Sales No. E.73.II.A.14 and corrigendum, chap. I.

11/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.